

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

PATRIOT ANGELS CONSULTING CORP, a)	
Tennessee corporation,)	
)	Civil Action No.
)	Jury Demand
)	
Plaintiff,)	
v.)	
)	
VETERANS OF FOREIGN WARS OF THE)	
UNITED STATES, a Missouri corporation,)	
owner/operator of vfw.org and)	
DontFeedTheSharks.org)	
)	
)	
Defendants.)	

COMPLAINT

Plaintiff Patriot Angels Consulting Corp (“Patriot Angels” or “Plaintiff), by and through its undersigned attorneys, for its Complaint for Defamation against defendant Veterans of Foreign Wars of the United States (“Defendant”), alleges as follows:

I. INTRODUCTION

1. This action arose from the conduct of Defendant, who is engaging in a public effort utilizing deliberate false statements to defame Plaintiff and damage Plaintiff’s business.

2. The Defendant’s actions include posting multiple false articles on its websites that claim Plaintiff is engaged in unethical and fraudulent conduct.

3. Plaintiff seeks to have the defamatory articles removed from the websites, recover damages based on the Defendant’s unlawful actions, and to obtain an injunction to prohibit the Defendant from publishing similar false statements and articles in the future.

II. THE PARTIES

4. Plaintiff Patriot Angels is a Tennessee corporation with a principal place of business at 90 Volunteer Drive, Suite 120, Hendersonville, Tennessee. Patriot Angels is engaged in the business of assisting Veterans, throughout the United States, in their applications for benefits from the United States Department of Veterans Affairs, streamlining and removing the barriers so as to ensure Veterans receive all of the aid and attendance benefits they are entitled to receive.

5. Defendant is Veterans of Foreign Wars, a corporation whom, upon information and belief, has its principal place of business at 3401 Knipp Drive, Jefferson City, Missouri 65109. Upon information and belief, Defendant is the owner of the domain name vfw.org and DontFeedTheSharks.org. Defendant, through its websites vfw.org and DontFeedTheSharks.org, has conducted acts, which have harmed and continue to harm the Plaintiff as hereinafter alleged. Plaintiff's rights against Defendant arise from such harmful and tortious conduct.

III. JURISDICTION AND VENUE

5. The Court has jurisdiction under 28 U.S.C. § 1332(a)(2). Plaintiff is a citizen of Tennessee with a principal place of business in Tennessee. Upon information and belief, Defendant is a citizen of Missouri with a principal place of business in Missouri. The matter in controversy, exclusive of interest and costs, exceeds the sum or value of \$75,000.00.

6. Defendant is subject to the Court's personal jurisdiction because it has purposefully availed itself of the benefits of the state of Tennessee and intentionally targeted the articles and false statements at-issue in this lawsuit to Tennessee and Plaintiff, a Tennessee company. These false and misleading articles give rise to Plaintiff's claim.

7. Venue is proper in this judicial district under 28 U.S.C. § 1391 because a substantial part of the events giving rise to this claim occurred in this district and the defamatory statements

were directed to citizens in this district.

IV. RELEVANT FACTS

8. Plaintiff Patriot Angels is a Tennessee-based company, whose mission is to serve Veterans, assisting them in streamlining and removing the barriers in the application for benefits from the United States Department of Veterans Affairs so as to ensure Veterans receive all of the aid and attendance benefits that they have earned and that they deserve.

9. It is critical for a support company like Patriot Angels to maintain strong credibility with Veterans and those entities which interface with Veterans, including, but not limited to Veterans organizations, in order to grow and support its mission and clients.

10. Vfw.org appears to be a blog with articles about various issues that purport to impact Veterans. Vfw.org featured a series of false articles relating to Plaintiff beginning with the article entitled, “VFW Ramps Up Efforts to Combat ‘Claim Sharks,’” this was published on or about November 8, 2023. *See Exhibit A* for a full copy of the article (hereinafter “Article”).

11. The Article contains an active link to webpage entitled, “VFW Claim Shark Fact Sheet,” that readers of the Article are encouraged to “use and distribute widely to Veterans.” *See Exhibit B* for a full copy of the linked webpage entitled “Don’t Feed the Sharks” and provided a QR scannable code to the webpage, DontFeedTheShark.org (hereinafter “Webpage”).

12. The Webpage, which has been printed and posted on several websites, appear to be part of a larger “Don’t Feed the Sharks” campaign orchestrated by the Defendant. As that campaign applies to Patriot Angels, the title alone constitutes libel and defamation.

13. Moreover, referring to Patriot Angels as “sharks” is not only false, but it is also purposeful disparagement of the services provided by Patriot Angels. The use of the highly emotive term — “sharks” — inaccurately portrays Patriot Angels as an organization seeking to

take advantage of Veterans.

14. Beyond the defamatory title of the Webpage, the Webpage includes blatant inaccuracies. The Webpage describes Patriot Angels as a “claim shark.”

15. The Webpage defines a claim shark as:

What is a “Claim Shark”?

- *A Claim Shark is an individual or company that charges hefty fees to “assist” or “consult” veterans with filing their VA benefit claims – this practice is illegal!*
- *Claim Sharks are not VA accredited, meaning they aren’t required to adhere to the well-established professional and ethical standards of VA accreditation, so their advice can often be misleading or even fraudulent.*
- *Like a “Loan Shark,” once you’re in, you can’t get out, and may be subject to new and hidden fees whenever you get a new rating, no matter who does the work.*

16. By defining a “claim shark” as a person or entity that engages in illegal behavior and then identifying Patriot Angels as such in print, Defendant has undoubtedly created the perception that Patriot Angels engages in unlawful behavior and in doing so, targets Veterans.

17. The use of the highly emotive term — “sharks” — and, then relating that term to and identifying Patriot Angels, constitutes defamation *per se*.

18. Further, the Webpage is laden with lies. Notably, the Webpage defines a claim shark as an organization or individual that is “not VA accredited,” and thus, “aren’t required to adhere to the well-established professional and ethical standards of VA accreditation, so their advice can often be misleading or even fraudulent.” Patriot Angels is, in fact, co-owned by a United States Air Force Veteran and an attorney accredited by the United States Department of Affairs.

19. The intent of the Article and the Webpage is clear: to convince Veterans to use Defendant’s services; however, rather than using an article or a webpage to highlight what the

Defendant can provide for Veterans, it relies on false statements about Patriot Angels. The Article and Webpage wants to make Defendant more attractive to Veterans. However, Defendant works towards this objective not by highlighting services provided by it but rather through making false statements denigrating the services provided by Patriot Angels.

20. On or about November 2023, Plaintiff discovered the Article and the Webpage. A representative of Plaintiff promptly contacted the Defendant seeking to have the Article and Webpage removed from the vfw.org and DontFeedTheSharks websites. *See Exhibit C.* No representative of the Defendant ever responded to that correspondence.

21. Upon information and belief, Defendant was fully aware of the damage its false, defamatory statements can cause and knowingly posted multiple misleading, inaccurate, unfounded, and false statements and articles directed toward Patriot Angels on the vfw.org and DontFeedTheShark.org websites.

22. Plaintiff seeks to enjoin Defendant from making future defamatory statements, to remove the existing defamatory articles, and to recover damages for all defamatory statements.

V. FIRST CAUSE OF ACTION

DEFAMATION

23. Plaintiff realleges and incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

24. Defendant published multiple articles and statements on the vfw.org and DontFeedTheShark.org websites that falsely accused Patriot Angels, by name, of association with serious lawsuits and unethical behavior relating to its business practices.

25. Defendant's published articles and statements are libelous on their face, as the articles and statements have the tendency to injure Plaintiff's business reputation and credibility.

26. Defendant's articles and statements were not protected by any recognized privilege.

27. Defendant deliberately published these libelous articles and statements with full knowledge of their false and libelous nature, and with the intention of deliberately harming Patriot Angels' business reputation and ability to conduct its business.

28. Defendant acted with malice when it published the Articles and Webpage referenced above. Defendant knew, or should have known via a basic search of records on file with the United States Department of Veterans Affairs, that Patriot Angels, is, in fact, co-owned by a United States Air Force Veteran and an attorney accredited by the United States Department of Affairs. Yet Defendant continued to published the Article and Webpage with knowledge of their false and libelous nature or with reckless disregard of the truth. Further, Defendant continued to publish false articles after receiving notice of their falsity.

29. Patriot Angels is informed and believes that the Article and Webpage exposed it to hatred, contempt, ridicule, and obloquy.

30. In addition to compensatory and actual damages, Patriot Angels is entitled to recover punitive damages sufficient to punish Defendant for making the defamatory statements with malice, fraud, and/or oppression.

31. Patriot Angels believes that potential and current clients and referral sources chose not to enter into business with Patriot Angels as a result of Defendant's articles and statements on the vfw.org and DontFeedTheSharks.org websites.

32. As a result of Defendant's libelous communications, Patriot Angels has suffered and will continue to suffer damages for loss of reputation to its business and trade.

PRAYER FOR RELIEF

Based upon the above facts and allegations, Plaintiff Patriot Angels prays for relief as

follows:

1. For judgment in favor of Plaintiff and against Defendant;
2. For trial by jury;
3. For general, special, and/or compensatory damages in an amount according to proof at time of trial, but estimated to exceed \$100,000.00;
4. For exemplary and punitive damages of an amount sufficient to deter Defendant's conduct;
5. For interest at the rates permitted by law;
6. For injunctive relief requiring Defendant to cease and desist their publication of libelous articles and statements against Patriot Angels;
7. For an order requiring Defendant to remove and refrain from reposting the false articles about Plaintiff from its website, including without limitations articles related thereto;
8. For costs of this lawsuit herein;
9. For reasonable attorneys' fees to the extent permitted by law; and
10. For such additional relief the Court deems proper.

DATED: January 26, 2024

BUCHALTER, A Professional Corporation

By: s/ Lucas A. Davidson

Lucas A. Davidson, BPR #29955

18400 Von Karman Avenue, Suite 800

Irvine, CA 92612-0514

Tel.: 949.760.1121

Fax: 949.720.9182

ldavidson@buchalter.com

Attorneys for Plaintiff